

UNITED STATES OF AMERICA)
)
v.) Case No. 1:20-cr-011-CLC-SKL
)
DANIEL ROBERTS)

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One, Count Twelve, and Count Fourteen of the twenty-one-count Superseding Indictment; (2) accept Defendant's plea of guilty to the lesser-included offense of the charge in Count One, which is the offense of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Twelve and Count Fourteen; (3) adjudicate Defendant guilty of the lesser-included offense of the charge in Count One, which is the offense of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Twelve and Count Fourteen; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter. (Doc. 225.) Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 225) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One, Count Twelve, and Count Fourteen of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser-included offense of the charge in Count One, which is the offense of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Twelve and Count Fourteen is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty to the lesser-included offense of the charge in Count One, which is the offense of conspiracy to distribute and possess with intent to distribute 5 grams or more of methamphetamine (actual) and 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, and to Count Twelve and Count Fourteen;
- (4) A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **January 20, 2021, at 2:00 p.m.** before the undersigned.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE